

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

PANORAMIC STOCK IMAGES,
LTD.,

Plaintiff,

v.

Case No: 8:23-cv-1172-CEH-TGW

NATIONAL DOORSTEP PICKUP
LLC,

Defendant.

ORDER

This matter comes before the Court on Defendant National Doorstep Pickup LLC's Motion to Dismiss (Doc. 12), and Plaintiff Panoramic Stock Images, Ltd.'s Motion to Strike (Doc. 13). Defendant, who is proceeding *pro se*,¹ asks the Court to dismiss the Complaint against it because of a lack of subject matter jurisdiction, a lack of personal jurisdiction, and the failure to state a claim. Doc. 12. Plaintiff moves to

¹ “*Pro se*” means proceeding without an attorney. Parties who do not have an attorney should review the Federal Rules of Civil Procedure and the Local Rules for the Middle District of Florida, which can be viewed on the Court's website at <https://www.flmd.uscourts.gov/local-rules>. The Court encourages *pro se* parties to consult the “Litigants Without Lawyers” guide on the Court's website, located at <http://www.flmd.uscourts.gov/litigants-without-lawyers>. Additionally, a *pro se* litigant handbook prepared by the Federal Bar Association is available to download at the following hyperlink: www.fedbar.org/prosehandbook. A *pro se* party may seek assistance from the Federal Bar Association by completing a request form at <http://federalbartampa.org/pro-bono>. Civil forms, including form complaints, are available at the following hyperlink: <https://www.flmd.uscourts.gov/forms/all/civil-forms>.

strike the motion to dismiss, Defendant's answer, and its corporate disclosure statement because they were not filed through counsel. Doc. 13.

First, the motion to dismiss must be denied because it does not comply with the Local Rules of the Middle District of Florida. *See* Footnote 1. Local Rule 3.01(a) requires that all motions include a legal memorandum supporting the request, while Rule 3.01(g) requires a certification that the party filing the motion has conferred with their opponent before filing in a good faith effort to resolve the motion. Defendant's motion does not contain a legal memorandum or a certification of conferral. Therefore, it will be denied without prejudice.²

However, Plaintiff is correct that Defendant, a limited liability company, is not permitted to appear in this Court without counsel. *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985) ("The rule is well established that a corporation is an artificial entity that can act only through agents, cannot appear *pro se*, and must be represented by counsel"); *see also In re Rodriguez*, 633 F. App'x 524, 526 (11th Cir. 2015) ("A corporation cannot appear *pro se* in litigation and must be represented by counsel because it is an artificial entity only able to act through its agents."); *Nexstar Media, Inc. v. Jaros*, No. 8:22-cv-516-CEH-SPF, 2022 WL 1785952, *1 (M.D. Fla. May 10, 2022) (recommending that answer of defendant, an LLC, be stricken for the failure to file through counsel), *report and recommendation adopted by* 2022 WL 1778200 (June 1, 2022) (Honeywell, J.); Local Rule 2.02(b)(2) ("A party, other than a natural person,

² A denial "without prejudice" means that the party has permission to re-file the motion in order to address any deficiencies identified by the Court.

can appear through the lawyer only.”). Accordingly, the Court agrees that Defendant’s answer (Doc. 10) and its corporate disclosure statement (Doc. 11) must be stricken.³ Defendant will be afforded a limited opportunity to obtain counsel and defend this action. Defendant is put on notice that the failure to timely obtain counsel and file a responsive pleading will result in it being subject to a default upon appropriate motion.

Accordingly, it is **ORDERED**:

1. Defendant National Doorstep Pickup LLC’s Motion to Dismiss (Doc. 12) is **DENIED without prejudice**.
2. Plaintiff Panoramic Stock Images, Ltd.’s Motion to Strike (Doc. 13) is **GRANTED-in-part**.
3. Defendant’s Answer (Doc. 10) and Corporate Disclosure Statement (Doc. 11) are **STRICKEN**.
4. Defendant is directed to file a responsive pleading, which is signed by counsel and complies with the Local Rules of the Middle District of Florida, no later than **45 days** from the date of this Order.

DONE and **ORDERED** in Tampa, Florida on July 7, 2023.


Charlene Edwards Honeywell
United States District Judge

³ Because the motion to dismiss is being denied without prejudice, it need not be stricken.

Copies furnished to:

Counsel of Record
Unrepresented Parties